

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS FOR DERRY FIRE FIGHTERS	:	
	:	
and	:	CASE NO. <u>F-0113</u>
	:	
DERRY, NEW HAMPSHIRE FIRE DISTRICT (DEPARTMENT)	:	

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APPEARANCES

Representing the International Association of Fire Fighters:

Thomas J. Houghton, State Representative, IAFF  
 John Coleman, Derry Fire Department  
 Walter Groce, Derry Fire Department

Representing the Town of Derry Fire Department:

James J. Cote, Chief  
 J. Clement Madden, Fire Commissioner

BACKGROUND

On November 30, 1977, a petition for certification was filed with this Board (PELRB) by the International Association of Fire Fighters for the Derry Fire Fighters through their representative, Thomas J. Houghton, State Representative.

Proposed unit to include captains, fire prevention officer, lieutenants, dispatchers and fire fighters; i.e., emergency medical technicians, advanced First Class Red Cross card holders and to exclude as supervisory, the Chief and the Deputy Chiefs.

Petition was supported by the required individual signature cards from employees wishing to be represented by the International Association for the purposes of bargaining collectively under the requirements of RSA 273-A, Laws of New Hampshire.

On December 7, 1977, James J. Cote, Chief of the Derry Fire Department filed exceptions to the proposed unit claiming the captains and lieutenants were supervisory and the dispatcher a confidential employee of the department.

Hearing on the unit determination was held on December 21, 1977 in the office of the Board (PELRB), 117 Manchester Street, Concord, New Hampshire, at which time the Chief requested amendment of his exceptions to include under the supervisory category the position of fire prevention officer.

The Town of Derry has no deputy chiefs in its organization on a regular full time basis and testimony presented at the hearing indicated that members of the Fire Commission, who serve as the supervisory town authority over the Fire Department, are designated as the Deputy Chiefs.

The Town, through the Chief, contended that the dispatcher maintained department records which were of a confidential nature and cited that the dispatcher maintained payroll records and records of any disciplinary action.

Testimony presented indicated that prior to the filing of the petition, all Fire Department personnel belonged to a group who met to discuss wages, fringe benefits and working conditions.

#### FINDINGS OF FACT

1. The captains and lieutenants do in fact have charge of the individual stations and responsibility for fire fighters in their daily duties, they supervise the crews when fighting fires and do possess the authority to suspend individuals for a given period of time although they cannot dismiss or discharge but devote a substantial portion of their time to supervisory and administrative duties and fall in the supervisory category.
2. Payroll records in the public sector are public information and not confidential in nature and disciplinary records are not influential where bargaining problems would be effected, therefor dispatchers would not be in the confidential category.

#### ORDER

After careful review of the oral evidence presented at the December 21, 1977 hearing, the Public Employee Labor Relations Board rules, as follows:

The bargaining unit for the Derry Fire District will consist of the Fire Prevention officer, dispatchers and fire fighters; i.e., emergency medical technicians; advanced first class Red Cross card holders.

Unit will exclude the Chief, Deputy Chiefs, captains and lieutenants.



EDWARD J. HASELTINE, CHAIRMAN

Signed this 25th day of January, 1978

Unanimous vote of the Board. Chairman Edward J. Haseltine, Board Members Cummings, Moriarty & Anderson voting.